

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **LIPOSOME COMPOSITIONS AND METHODS FOR THE TREATMENT OF ATHEROSCLEROSIS** the specification of which      is attached hereto or   X   was filed on   March 4, 1994   as Application Serial No.   08/206,415   and was amended on      (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed<br>Under 35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
| None    |                 |                | Yes <u>    </u> No <u>    </u>       |
|         |                 |                | Yes <u>    </u> No <u>    </u>       |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Date of Filing | Status   |
|------------------------|----------------|--|
| None                   |                | <u>    </u> Patented <u>    </u> Pending <u>    </u> Abandoned |
|                        |                | <u>    </u> Patented <u>    </u> Pending <u>    </u> Abandoned |

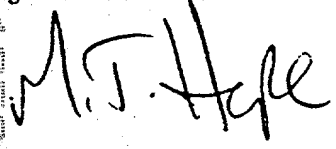

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

J. Steven Whitaker, Reg. No. 36,963  
Steven W. Parmelee, Reg. No. 31,990  
William M. Smith, Reg. No. 30,223

|  |  |
|--|--|
| <b>Send Correspondence to:</b><br><b>J. Steven Whitaker</b><br><b>TOWNSEND and TOWNSEND KHOURIE and CREW</b><br><b>Steuart Street Tower</b><br><b>One Market Plaza, 20th Floor</b><br><b>San Francisco, CA 94105</b> | <b>Direct Telephone Calls to:</b><br><b>(Name, Reg. No., Telephone No.)</b><br><br><b>Name: J. Steven Whitaker</b><br><b>Reg. No. 36,963</b><br><b>Telephone: (206) 467-9600</b> |
|--|--|

|                         |  |  |                                  |                     |
|-------------------------|--|--|----------------------------------|---------------------|
| Full Name of Inventor 1 | Last Name<br>HOPE                          | First Name<br>MICHAEL                            | Middle Name or Initial<br>J.     |                     |
| Residence & Citizenship | City<br>Vancouver                          | State/Foreign Country<br>British Columbia/Canada | Country of Citizenship<br>Canada |                     |
| Post Office Address     | Post Office Address<br>3550 W. 11th Avenue | City<br>Vancouver                                | State/Country<br>Canada          | Zip Code<br>V6R 2K2 |
| Full Name of Inventor 2 | Last Name<br>RODRIGUEZA                    | First Name<br>WENDI                              | Middle Name or Initial           |                     |
| Residence & Citizenship | City<br>Vancouver                          | State/Foreign Country<br>British Columbia/Canada | Country of Citizenship<br>Canada |                     |
| Post Office Address     | Post Office Address<br>1425 W. 33rd Avenue | City<br>Vancouver                                | State/Country<br>Canada          | Zip Code<br>V6M 1A6 |
| Full Name of Inventor 3 | Last Name                                  | First Name                                       | Middle Name or Initial           |                     |
| Residence & Citizenship | City                                       | State/Foreign Country                            | Country of Citizenship           |                     |
| Post Office Address     | Post Office Address                        | City   | State/Country                    | Zip Code            |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |  |  |
|---|--|--|
| Signature of Inventor 1<br> | Signature of Inventor 2<br> |  |
| Michael J. Hope   | Wendi Rodriguez  |  |
| Date April 8 <sup>th</sup> 1994   | Date April 8 <sup>th</sup> , 1994  |  |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Michael J. Hope and Wendi Rodriguez

Serial No.: 09/322,336

Group Art Unit: 1615

Batch No.: G72

Filed: May 28, 1999

Examiner: Kishore, G.

For: LIPOSOME COMPOSITIONS AND METHODS FOR THE  
TREATMENT OF ATHEROSCLEROSIS

Box Issue Fee  
Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE  
OF ENTIRE INTEREST AND REVOCATION OF PRIOR POWERS**

Sir:

As owner of the entire interest of the above-identified patent application, as evidenced by the attached Statement Under 37 C.F.R. § 3.73(b), all powers of attorney previously given are hereby revoked and the following attorneys and agents are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Patrea L. Pabst  
Zhaoyang Li  
Rivka Monheit

Registration No. 31,284  
Registration No. 46,872  
Registration No. P-48,731

U.S.S.N. 09/322,336  
Filed: May 28, 1999  
Power of Attorney by Assignee  
of Entire Interest and  
Revocation of Prior Powers

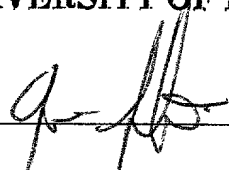
Please send all correspondence relating to the above-identified patent application to:

Patrea L. Pabst  
HOLLAND & KNIGHT LLP  
Suite 2000, One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, Georgia 30309-3400

(404) 817-8473 - Telephone  
(404) 817-8588 - Fax

The undersigned signatory (whose title is supplied below) is empowered to act on behalf of the assignee identified below, and has reviewed all the documents in the chain of title of the patent application and, to the best of undersigned's knowledge and belief, title is in the assignee.

THE UNIVERSITY OF BRITISH COLUMBIA

By:  \_\_\_\_\_

Name: Angus Livingstone \_\_\_\_\_

Title: Managing Director  
University - Industry Liaison Office \_\_\_\_\_

Date: July 23, 2001 \_\_\_\_\_

ATL1 #473078 v1

PTO/SB/86 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Michael J. Hope and Wendi Rodriguez  
 Application No./Patent No.: 09/322,336 Filed/Issue Date: May 28, 1999  
 Entitled: LIPOSOME COMPOSITIONS AND METHODS FOR THE TREATMENT OF ATHEROSCLEROSIS  
The University of British Columbia, a University  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
 in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 6983, Frame 0399, or for which a copy thereof is attached. The Assignment was recorded in parent application U.S.S.N. 08/206,415

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
 2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
 3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

**NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.06]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

July 23, 2001  
 Date

Angus Livingstone  
 Managing Director

University - Industry Liaison Office  
 Title

Signature

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual user. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ESPN-INEX CON 078231/00014

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Michael J. Hope of 3550 W. 11th Avenue, Vancouver, Canada V6R 2K2, Wendi Rodriguez of 1425 W. 33rd Avenue, Vancouver, Canada V6M 1A6, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: LIPOSOME COMPOSITIONS AND METHODS FOR THE TREATMENT OF ATHEROSCLEROSIS

Date(s) of execution of Declaration: \_\_\_\_\_

Filing date: 03/04/94 Serial No.: 08/206,415; and

WHEREAS, The University of British Columbia, located at 2194 Health Sciences Mall, Vancouver, BC, Canada V6T 1Z3, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the

invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Date: April 8<sup>th</sup> 1994

Michael J. Hope  
Michael J. Hope

Date: April 8<sup>th</sup>, 1994

Wendi Rodriguez  
Wendi Rodriguez

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OFFICE OF CLARK